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In re Application of
Erik S. Falck-Pedersen
Application No. 08/653,114
Filed: May 24, 1996
Attorney Docket No. 19603/233(CRF)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 1998, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed July 2, 1997, which set a period for reply of THREE (3) MONTHS. A Notice of Abandonment was mailed on February 3, 1998.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. In view thereof, the extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

A continued prosecution application (CPA), along with a preliminary amendment, and a declaration under 37 CFR 1.132, was received on June 25, 1998. Therefore, this application is revived for purposes of continuity with the CPA. This application is being forwarded to Technology Center 1600, Art Unit 1632, for processing the CPA.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.



Frances Hicks
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for Patent Policy and Projects